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OFFICE OF PETITIONS

In re Application of :
Duatartas, Sherrer, Ricks, and :
Steinberg : DECISION NOTING JOINDER OF
Application No. 10/013,084 : INVENTOR AND PETITION UNDER
Filed: 10 December, 2001 : 37 CFR 1.47(a) MOOT
Atty Docket No. ACT-173 (1117-11) :

Papers filed on 14 January, 2003, in response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on 27 November, 2002, included a Declaration signed by the previously non-signing inventor, Dan A. Steinberg, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The revocation and power of attorney by assignee submitted with the present petition cannot be accepted because it has not been signed by the inventors, inventors, assignee of record of the entire interest, or an attorney or agent of record. If a change of correspondence address is filed by an assignee, the assignee must establish its right to take action in accordance with 37 CFR 3.73. Additionally, any statement signed on behalf of an assignee must be signed by a person having apparent authority to sign on behalf of the assignee (president, vice president, secretary, or treasurer), or must include a statement that the person signing the submission is authorized to act on behalf of the assignee. The power of attorney was not signed by a person with apparent authority and does not include any such statement.

A courtesy copy of the decision will be sent to the address listed on the power of attorney. All future correspondence, however, will be sent solely to the address of record.

The application is being forwarded to the Office Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



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